



HOUSE USE ONLY

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Province of Prince Edward Island
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(Bill No. 56)

An Act to Amend the Education Act

Hon. Natalie Jameson
Minister of Education and Lifelong Learning

GOVERNMENT BILL

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Acting Queen's Printer
Charlottetown, Prince Edward Island



AN ACT TO AMEND THE EDUCATION ACT

BILL NO. 56

2022

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

- 1. Subsection 1(1) of the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, is amended**
 - (a) in clause (i), by the deletion of the words “his or her child” and the substitution of the words “the parent’s child”;**
 - (b) in clause (p), by the deletion of the words “his or her parents” and the substitution of the words “the student’s parents”; and**
 - (c) by the repeal of clause (s) and the substitution of the following:**
 - (s) “member of an education authority” means a person elected or appointed as a trustee for the education authority;**

- 2. (1) Subsection 8(1) of the Act is amended**
 - (a) by the deletion of the words “The Minister” and the substitution of the words “The Minister or the members of an education authority”;**
 - (b) by the deletion of the word “committees” and the substitution of the words “advisory committees”; and**
 - (c) by the deletion of the words “the Minister” and the substitution of the words “the Minister or the members of the education authority”.**

- (2) Subsections 8(2), (3) and (4) of the Act are repealed on June 30, 2022.**

- 3. (1) Subsection 12(1) of the Act is repealed and the following substituted:**

12. Boards of trustees

- (1) The affairs of the French Language School Board and the Public Schools Branch shall be conducted by boards of trustees whose members are elected or appointed for each education authority in accordance with the regulations.
- (2) **Subsection 12(2) of the Act is amended by the deletion of the words “French Language School Board,” and the substitution of the words “French Language School Board and the Public Schools Branch.”**
- (3) **Section 12 of the Act is amended by the addition of the following after subsection (2):**

Transition - Public Schools Branch

- (3) Notwithstanding subsections (1) and (2), the persons holding office as members of the board of directors of the Public Schools Branch immediately before the coming into force of this section shall continue to hold office as directors and are deemed to be members of that education authority until the date on which the first board of trustees of the Public Schools Branch that was elected or appointed in accordance with the regulations takes office.

4. Section 13 of the Act is repealed.

5. (1) Subsection 14(1) of the Act is amended

- (a) **by the deletion of the words “quorum of” and the substitution of the words “quorum of the members of”; and**
- (b) **by the deletion of the words “or directors, as the case may be”.**

- (2) **Subsection 14(3) of the Act is amended by the deletion of the words “proceeding of” and the substitution of the words “proceeding of the members of”.**

6. (1) **Subsection 15(1) of the Act is amended by the deletion of the word “Each” and the substitution of the words “The members of each”.**

(2) Subsection 15(2) of the Act is amended

- (a) **by the deletion of the words “direction of the education authority” and the substitution of the words “direction of the members of the education authority”;**
- (b) **in clause (c) by the deletion of the words “in the regulations or assigned by the education authority” and the substitution of the words “in this Act, in the regulations or assigned by the members of the education authority”.**

7. **Section 16 of the Act is amended by the deletion of the word “An” and the substitution of the words “The members of an”.**

8. **Subsections 17(1) and (2) of the Act are amended by the deletion of the word “An” and the substitution of the words “The members of an”.**



- 9. Section 21 of the Act is amended**
- (a) by the deletion of the word “An” and the substitution of the words “The members of an”; and
 - (b) by the deletion of the words “its powers and carrying out its responsibilities” and the substitution of the words “their powers and carrying out their responsibilities”.
- 10. Clauses 22(1)(a) to (c) of the Act are amended by the deletion of the words “an education authority” wherever they occur and the substitution of the words “the members of an education authority”.**
- 11. Sections 24, 25 and 26 of the Act are amended by the deletion of the words “his or her” wherever they occur and the substitution of the words “the parent’s”.**
- 12. Subsection 39(4) of the Act is amended**
- (a) by the deletion of the words “, in the case of the French Language School Board,”; and
 - (b) by the deletion of the words “school board election” and the substitution of the words “education authority election”.
- 13. Clause 41(f) of the Act is repealed.**
- 14. Section 43 of the Act is amended**
- (a) in clause (a), by the deletion of the words “who has his or her primary domicile in the province” and the substitution of the words “whose primary domicile is in the province”; and
 - (b) in clause (b), by the deletion of the words “who has his or her primary domicile in the province” and the substitution of the words “whose primary domicile is in the province”.
- 15. Subsection 46(3) of the Act is amended by the deletion of the words “of his or her” and the substitution of the words “of the parent’s”.**
- 16. Subsection 51(5) of the Act is amended by the deletion of the words “to the education authority” and the substitution of the words “to the members of the education authority”.**
- 17. (1) Subsection 53(1) of the Act is repealed and the following substituted:**
- 53. Appointment of hearing committee**
- (1) For the purpose of hearing a matter under section 54 or 55, the members of an education authority shall appoint members to a hearing committee in accordance with subsection (2).

- (2) **Subsection 53(3) of the Act is repealed.**
18. (1) **Subsection 54(1) of the Act is amended by the deletion of the words “An education authority” and the substitution of the words “The Director of an education authority”.**
- (2) **Subsection 54(2) of the Act is amended by the deletion of the words “Where an education authority” and the substitution of the words “Where the Director of an education authority”.**
19. **Subsection 68(3) of the Act is repealed and the following substituted:**
- Notice to Registrar**
- (3) An education authority that employs or employed a person who is suspended or terminated shall notify the Registrar in writing of the suspension or termination and the reasons for it within 15 days of the suspension or termination, as the case may be, where
- (a) the person has been suspended under subsection (2) by a Director;
 - (b) the person has been suspended for cause or for unsatisfactory service under subsection (1) by an education authority; or
 - (c) the person’s contract has been terminated for cause or for unsatisfactory service.
20. **Clause 71(i) of the Act is amended by the deletion of the words “he or she” and the substitution of the words “the teacher”.**
21. **Subsection 95(1) of the Act is amended by the deletion of the words “his or her” wherever they occur and the substitution of the words “the parent’s”.**
22. **Subsection 107(1) of the Act is amended**
- (a) **in clause (h) by the deletion of the words “of education authorities” and the substitution of the words “of the members of education authorities”;**
 - (b) **by the repeal of clause (dd) and substitution of the following:**
 - (dd) respecting the establishment and conduct of a hearing committee for the purposes of sections 54 and 55, including the procedures to be followed, the conduct of hearings and the rendering of decisions by the hearing committee;
 - (c) **by the repeal of clause (ww).**
23. **This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.**



EXPLANATORY NOTES

SECTION 1 repeals clause 1(1)(s) of the *Education Act* R.S.P.E.I. 1988, Cap. E-.02, and replaces it with a new clause (s) defining “member of an education authority” as a person elected or appointed as a trustee for the education authority. The section also removes gendered wording in clauses (i) and (p) and replaces it with gender-neutral wording.

SECTION 2 amends subsection 8(1) of the Act to clarify that both the Minister and the education authorities may establish advisory groups or committees that they consider appropriate. The section also provides that subsections 8(2), (3) and (4) are repealed on June 30, 2022. These subsections continued the District Advisory Councils and the Principals Council and provided their mandates, but these councils will no longer be required.

SECTION 3 repeals subsection 12(1) of the Act and replaces it with a new subsection 12(1) to clarify that the affairs of both the French Language School Board and the Public Schools Branch will be conducted by boards of trustees elected or appointed in accordance with the regulations. The section also amends subsection 12(2) to add a necessary reference there to the Public Schools Branch, and adds a new subsection 12(3) to provide for an orderly transition from the current appointed board of directors of the Public Schools Branch to the first board of trustees of the Public Schools Branch elected or appointed in accordance with the regulations.

SECTION 4 repeals section 13 of the Act. This section made special provision for the Public Schools Branch, which is no longer needed in view of the amendments to section 12, above.

SECTION 5 amends subsection 14(1) of the Act to eliminate a reference to “directors” that is no longer needed. The section also amends subsection 14(3) to clarify that the “proceeding” referred to there is a proceeding of the members of an education authority.

SECTION 6 amends subsections 15(1) and (2) of the Act to clarify that the references there to an “education authority” are references to the members of the education authority.

SECTION 7 amends section 16 of the Act to clarify that the reference there to an “education authority” is a reference to the members of the education authority.

SECTION 8 amends subsections 17(1) and (2) of the Act to clarify that the references there to an “education authority” are references to the members of the education authority.

SECTION 9 amends section 21 of the Act to clarify that the references there to an “education authority” are references to the members of the education authority.

SECTION 10 amends clauses 22(1)(a) to (c) of the Act to clarify that references there to an “education authority” are references to the members of the education authority.

SECTION 11 amends sections 24, 25 and 26 of the Act to eliminate the gendered wording “his or her” and substitute gender-neutral wording.

SECTION 12 amends subsection 39(4) of the Act to delete wording that limited its operation to the French Language School Board and make it apply to both education authorities, and to change “school board election” to “education authority election”, for consistency with the wording in the rest of the Act.

SECTION 13 repeals clause 41(f) of the Act. This clause referred to the District Advisory Councils under subsection 8(2), which will be repealed.

SECTION 14 amends section 43 of the Act to eliminate gendered wording and substitute gender-neutral wording.

SECTION 15 amends subsection 46(3) of the Act to eliminate gendered wording and substitute gender-neutral wording.

SECTION 16 amends subsection 51(5) of the Act to clarify that the reference there to an “education authority” is a reference to the members of the education authority.

SECTION 17 repeals subsection 53(1) of the Act and substitutes a new subsection 53(1) to clarify that, for the purpose of hearing a matter under section 54 or 55, each education authority is required to appoint a hearing committee from among its members. The section also repeals subsection 53(3). This subsection made special provision for the Public Schools Branch that is no longer needed.

SECTION 18 amends subsections 54(1) and (2) of the Act to clarify that the responsibility to act under those subsections rests with the Director of an education authority.

SECTION 19 repeals subsection 68(3) of the Act and substitutes a new subsection 68(3) to clarify the obligation of an education authority to give notice to the Registrar regarding the suspension or termination of an employee.

SECTION 20 amends clause 71(i) of the Act to eliminate gendered wording and substitute gender-neutral wording.

SECTION 21 amends subsection 95(1) of the Act to eliminate gendered wording and substitute gender-neutral wording.

SECTION 22 amends clause 107(1)(h) of the Act to clarify that the reference there to “education authorities” is a reference to the members of the education authorities. The section also repeals clause 107(1)(dd) of the Act and substitutes a new clause (dd) to clarify the regulation-making authority



respecting the establishment and conduct of a hearing committee. The section also repeals clause 107(1)(ww) of the Act. This clause contained a specific regulation making power related to the former board of directors of the Public Schools Branch, which is no longer needed.

SECTION 23 provides for the commencement of the Act.

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<i>STAGE:</i>	<i>DATE:</i>
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<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Colin LaVie, Speaker

Joseph Jeffrey, Clerk

Hon. Natalie Jameson
Minister of Education and Lifelong Learning

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